

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**CONCORD MANAGEMENT AND
CONSULTING LLC,**

Defendant.

Crim. No. 18-CR-32-2 (DLF)

**GOVERNMENT'S SUPPLEMENTAL FILING
REGARDING DEFENDANT'S MOTION TO SHOW CAUSE**

The United States of America respectfully submits this supplemental filing regarding the motion of defendant Concord Management and Consulting LLC to show cause. The purpose of this supplemental filing is to advise the Court of further steps that the Justice Department (Department) intends to take with respect to the Special Counsel's confidential report to the Attorney General (Report). The government continues to assert that neither the public release of the report nor the Attorney General's comments on the report violate Local Criminal Rule 57.7 or any other authority. Nonetheless, the government provides the information herein in the interests of full transparency to the Court regarding the further, albeit non-public, dissemination of Volume I of the Report.

After the public release of a redacted version of the Report on April 18, 2019, the Justice Department made available for review by a limited number of Members of Congress and their staff a copy of the Special Counsel's Report without certain redactions. This minimally redacted version of the Report was made available to a limited number of congressional leaders under conditions that would protect against further dissemination of the minimally redacted Report. The

minimally redacted Report maintained redactions only for grand jury material, which is protected from disclosure by Federal Rule of Criminal Procedure 6(e).

On May 8, 2019, the House Permanent Select Committee on Intelligence (“HPSCI”) issued a subpoena to the Department for, among other things, the unredacted Report. The Department recognizes and respects the legitimate oversight interests of the Committee in the federal government’s counterintelligence and foreign-intelligence matters, and the Department has advised HPSCI that the Department is prepared to work in good faith to accommodate legitimate requests of the Committee for information to the extent possible in a manner consistent with Executive Branch confidentiality interests.

Consistent with that commitment, the Justice Department has reached an agreement with HPSCI regarding review of Volume I of the minimally redacted Report. The Department will make available for review Volume I of the minimally redacted Report in a secure space by HPSCI Members and a limited number of Committee staff members from each of the majority and minority. This copy of Volume I of the Report will include in unredacted form information related to this case that was redacted from the public version of the Report. Members and staff authorized to review the report will be permitted to take notes, provided those notes are properly secured, and they will be permitted to discuss the report among themselves. The Department has advised the Committee that the Department expects the Committee and staff to strictly maintain the confidentiality of any information contained in the report and to use that information only for Committee purposes. The Department has also advised the Committee that none of the material that was redacted in the public version of Volume I—including information related to this case—may be revealed publicly or to others not authorized by the Department to receive such access without prior consent of the Department. The government plans to make the minimally redacted

report available under the same conditions to the members and limited staff of the Senate Select Committee on Intelligence (SSCI).

The government believes that this arrangement does not violate Local Criminal Rule 57.7. By providing minimally redacted copies of Volume I of the report for review by HPSCI and SSCI Members and limited staff in a secure space, and by further restricting dissemination of the material, the Department is not “authoriz[ing] the release of information or opinion which a reasonable person would expect to be disseminated by means of public communication.” Local Crim. R. 57.7(b)(1).

For the reasons set forth in the government’s opposition to the defendant’s motion to show cause, neither the public release of the report nor the Attorney General’s comments on the report violate Local Criminal Rule 57.7 or any other authority. The Department’s arrangement with HPSCI and SSCI for review of a minimally redacted version of the report also does not violate those authorities. Nevertheless, in an abundance of caution and in the interests of transparency to the Court, the government is advising the Court of its intended course of action. Absent further guidance from the Court, the Department plans to make this version of the report available for review beginning on May 28, 2019.

Respectfully submitted,

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